

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY  
TWO THOUSAND AND FOUR

PRESENT  
**THE HON'BLE MR JUSTICE K.C. BHANU**

-  
**WRIT PETITION NO : 10944 of 2004**

Between:

G. Krishnaiah S/o Narayanappa, aged 43 years,  
Conductor, A.P.S.R.T.C., Ananthapur,  
Ananthapur District

**..... PETITIONER**

AND

- 1 The Depot Manager, APSRTC., Nandikotkur Depot, Kurnool district
- 2 The Dy. Chief Traffic Manager, APSRTC., Kurnool Region, Kurnool District

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or orders, direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.02/04(45)/93-NDK dated 30-4-1993 of the 1st respondent as illegal, unjustified, unsustainable, contrary to law and violative of Article 14 of the Constitution of India and set-a side the same and consequently direct the respondents to add one annual increment to the pay of the petitioner.

Counsel for the Petitioner : MR.P.VARA PRASAD RAO, Advocate

Counsel for the Respondent Nos.1&2: MR.P.VINAYAKA SWAMY, Advocate

The Court at the admission stage made the following :

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ORDER:

The petitioner is working as Conductor in the respondents Corporation. On 13.03.1993, while he was conducting the bus on route Vadala – Nandikotkur, a check was conducted by the Travelling Ticket Inspector; and some cash and ticket irregularities were found. Therefore, the petitioner was given a charge sheet dated 01.04.1993. Thereafter, the petitioner gave an explanation denying the charge leveled against him. Without considering the explanation and without conducting any enquiry, the first respondent issued orders vide proceedings Rc. No.2/104(45)/93-NDK dated 30.04.1993 deferring one year annual increment with cumulative effect. Thereafter he preferred an appeal on 25.06.1993 before the second respondent and the same is pending before the second respondent.

2. Heard both sides.

3. The learned counsel for the petitioner contended that the punishment imposed upon the petitioner is a major penalty and the same was awarded without conducting any departmental enquiry. On the other hand, the learned Standing Counsel for the respondents did not dispute that the imposition of punishment is a major penalty.

4. There cannot be any dispute that imposing a major penalty should be preceded by a departmental enquiry. Admittedly, no departmental enquiry is conducted in this case. After calling for the explanation from the petitioner, the impugned order is passed. The alleged misconduct against the petitioner relates to the year 1993 and after lapse of eleven years, at this point of time, it may not be desirable for this Court to remit back the matter to the respondents for conducting

a fresh enquiry.

5. In the peculiar facts and circumstances of the case, this Court is of the opinion that the punishment can be reduced to one of a minor penalty for which no enquiry need be conducted. The charge leveled against the petitioner is that he failed to calculate the fare and issue ticket to a batch of two passengers who boarded the bus at Nandikotkur. The explanation of the petitioner is that he issued tickets to all the passengers who boarded the bus and he also shouted four times to purchase tickets those who have not purchased tickets and as nobody replied, he closed the S.R. The duty is cast upon the petitioner to count the number of passengers who boarded the bus with reference to the tickets issued but the duty has not been discharged properly. Therefore, the first respondent rightly found the explanation of the petitioner was not satisfactory. There are no reasons to deviate from the findings given by the first respondents insofar as rejecting the explanation of the petitioner. However, the punishment is a major penalty, it can be reduced. Therefore, the impugned order is modified deferring one annual increment without cumulative effect.

6. The writ petition is accordingly disposed of. In the circumstances of the case, no costs.

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K.C. BHANU, J

05<sup>th</sup> July, 2004.

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To

1 The Depot Manager, APSRTC., Nandikotkur Depot, Kurnool district

2 The Dy. Chief Traffic Manager, APSRTC., Kurnool Region, Kurnool District

3 Two CD Copies.